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OFFICE OF PETITIONS

In re Application of :
O'Donnell et al. :
Application No. 10/721682 :
Filing or 371(c) Date: 11/25/2003 :
Pat. Num.: 7255155 :
Issue Date: 08/14/2007 :
Attorney Docket Number: 14-792C2D1 :

ON PETITION

This is a notice regarding request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED¹**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.


Derek L. Woods

Attorney
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¹ Applicant's deposit account has been charged an additional \$40.00 for the deficient fee amount. See, 37 CFR 1.28(c)(2)(i).